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Ultimate Fighting Championship and UFC
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16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 Cung Le, Nathan Quarry, Jon Fitch, Brandon
19 Vera, Luis Javier Vazquez, and Kyle Kingsbury,
on behalf of themselves and all others similarly
20 situated,

21 Plaintiffs,

22 v.

23 Zuffa, LLC, d/b/a Ultimate Fighting
24 Championship and UFC,

25 Defendant.
26
27
28

No.: 2:15-cv-01045-RFB-BNW

**DECLARATION OF BRENT K.
NAKAMURA IN SUPPORT OF
DEFENDANT ZUFFA, LLC'S
MOTION FOR RELIEF FROM
TECHNICAL FAILURE IN
ELECTRONIC CASE FILING
PURSUANT TO LOCAL RULE IC 3-
1(C)**

1 I, Brent K. Nakamura, declare as follows:

2 1. I am a member in good standing of the bars of the District of Columbia and the State
3 of California. I am admitted *pro hac vice* to practice before this Court. I am an Associate in the law
4 firm Boies Schiller Flexner LLP (“BSF”) and counsel for Zuffa, LLC (“Zuffa”) in the above
5 captioned action in the U.S. District Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No.
6 2:15-cv-01045-RFP-BNW.

7 2. I make this declaration in support of Defendant Zuffa, LLC’s Motion for Relief from
8 Technical Failure in Electronic Case Filing Pursuant to Local Rule IC 3-1(c). Based on my personal
9 experience, knowledge, and review of the files, records, and communications in this case, I have
10 personal knowledge of the facts set forth in this Declaration and, if called to testify, could and would
11 testify competently to those facts under oath.

12 3. Beginning around 10:40 p.m. Pacific Time on June 14, 2019, I and others from BSF
13 began attempting to log in and connect to the District of Nevada’s Electronic Case Management and
14 Electronic Case Filing system (“ECF”) to file documents that were ultimately filed as docket entries
15 661, 662, 663, 664, and 665. However, at that time and intermittently thereafter, I and others at BSF
16 (including using different computers at the firm’s Oakland, California and Washington, D.C. offices)
17 were unable to access the Court’s ECF system. Whenever the ECF system was inaccessible to BSF
18 personnel from the firm’s Oakland, California office, it was also inaccessible from the firm’s
19 Washington, D.C. office.

20 4. After some time and several connection attempts, I was able to access the ECF system
21 from the firm’s Oakland, California office. As a result, I was able to file a joint notice, ECF No.
22 661, and joint motion, ECF No. 662, at 11:04 p.m. and 11:15 p.m. PT respectively using the ECF
23 credentials of the signatories to those briefs.

24 5. However, shortly after filing ECF No. 662, I and others from BSF were again
25 intermittently unable to access the Court’s ECF system.

26 6. At approximately 11:49 p.m., a BSF team member in Washington, D.C. was able to
27 access the ECF system and filed the brief supporting Defendant Zuffa, LLC’s Objections to
28 Plaintiffs’ Exhibit List Documents under seal along with four sealed exhibits as ECF No. 663.

1 Exhibit 3 is a true and correct copy of the Notice of Electronic Filing (“NEF”) that BSF team
2 member received upon successful filing.

3 7. Following the filing of ECF No. 663, the ECF system was again inaccessible to me
4 and others from BSF in the firm’s Oakland, California and Washington, D.C. offices. Exhibits 6 and
5 7 to this Declaration are screenshots I took indicating that the ECF system remained down until
6 midnight Pacific Time.

7 8. In an abundance of caution and because I believed technical difficulties in the Court’s
8 ECF system would preclude a timely filing, at 11:57 p.m. Pacific Time a BSF attorney served
9 Plaintiffs with PDF versions of Zuffa, LLC’s Motion to Seal Exhibits and Protected Materials at the
10 Evidentiary Hearing on Class Certification and related documents, which were later filed as ECF No.
11 665. Exhibit 4 is a true and correct copy of the email an attorney on the BSF team sent Plaintiffs
12 serving these documents with the cellular telephone number of that attorney redacted for privacy.

13 9. As BSF personnel were still unable to access the ECF system, a BSF attorney served
14 Plaintiffs with a file sharing link to PDF versions of all documents that were later filed as ECF No.
15 664, Defendant Zuffa, LLC’s Objections to Plaintiffs’ Exhibit List Documents. Exhibit 5 is a true
16 and correct copy of the email an attorney on the BSF team sent Plaintiffs serving these documents
17 with the cellular telephone number of that attorney redacted for privacy and part of the download
18 link redacted.

19 10. After Plaintiffs were served with the documents that would later be filed as ECF Nos.
20 664 and 665, I continued to attempt to access the ECF system to file those documents. I was finally
21 able to access the ECF system and file the documents beginning at approximately 12:20 a.m. PT on
22 June 15, 2019. Exhibits 1 and 2 to this Declaration are true and correct copies of the NEFs I
23 received after filing those documents.

24 11. On June 18, 2019, I asked counsel for Plaintiffs whether Plaintiffs would oppose this
25 motion. Counsel for Plaintiffs informed me that they do not intend to oppose this motion.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing facts are true and correct. Executed this 18th day of June, 2019 in Oakland, California.

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4 /s/ Brent K. Nakamura
5 Brent K. Nakamura
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